THE HONORABLE RONALD B. LEIGHTON UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA SEAN WILSON, individually and on behalf of all others similarly situated, Case No. 18-cv-05275-RBL **DECLARATION OF TODD LOGAN** Plaintiff, v. PTT, LLC, a Delaware limited liability company, d/b/a HIGH 5 GAMES, LLC, a Delaware limited liability company, Defendant.

Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

- 1. I am an attorney at Edelson PC, which has been retained to represent Plaintiff Sean Wilson in this matter. I am entering this declaration in opposition to Defendant's Motion for Protective Order Re: Plaintiff's Subpoenas to Apple Inc. and Google LLC (the "Motion").
- 2. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.
- 3. Before February 14, 2020, I will communicate to Apple and Google, through their counsel, that: (i) Plaintiff does not seek Purchase Information for transactions occurring prior to April 7, 2014, and (ii) Plaintiff does not seek the names or contact information of putative class members. I will likewise ensure that—in the event Plaintiff pursues an enforcement action against Apple and/or Google—the court assigned to that enforcement action is made aware of Plaintiff's concessions.
- 4. Plaintiff has been pursuing High 5 transaction history information through traditional party-discovery Requests for Production since January 2019.
- 5. On December 10, 2019, High 5 produced a dataset of transaction history information (the "First Dataset").
- 6. That day, I requested by email that High 5 identify "which transactions are included in this file? (*e.g.*, are these transactions associated with Washington IP addresses? Is it all Washington transactions during the included time period?)."
- 7. On December 11, 2019, Defendant's counsel responded by email that the First Dataset reflected "purchase history from IP addresses associated with Washington," but that transactions from a several-month-long time period might be missing from the First Dataset.
- 8. After a telephonic meet and confer in which I identified other concerns regarding the First Dataset, Defendant's counsel stated by email on December 12, 2019, that the First Dataset reflected "more than just purchases from Washington IP addresses."

1	9. Also on December 12, 2019, Defendant's counsel produced a new dataset (the
2	"Second Dataset") and represented that it contained "the results of the query of Washington IP
3	address purchases" but was missing approximately eleven months of transactions.
4	10. I followed up via both email and telephonic meet and confer over the next several
5	weeks in an attempt to interpret the First and Second Datasets.
6	11. Notwithstanding those efforts, High 5's counsel refused—and continues to
7	refuse—to explain the inconsistencies that I identified.
8	
9	I declare under penalty of perjury that the foregoing is true and correct.
10	
11	Executed on February 10, 2020 at San Francisco, California.
12	
13	/s/ Todd Logan
14	Todd Logan
15	
16	
17	
18	
19	
20	
21	
22	
23	
2425	
26	
27	
28	
	l i